

Appln No. 10/760261
Amdt. Dated: December 19, 2006
Response to Office Action of November 9, 2006

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REMARKS/ARGUMENTS

In response to the Examiner's final Office Action of November 9, 2006 issued in the present RCE application, the Applicant respectfully submits the accompanying Amendment to the claims and the below Remarks.

Regarding Amendment

In the Amendment:

independent claim 1 is amended to omit the wherein clause and to recite that the dispenser includes a spring connecting the first portion with the reservoir, the spring being configured to apply a constrained force on the reservoir in response to said relative movement of the first and second portions so as to cause said dispensing in a controlled manner. Support for this amendment can be found at page 22, line 10-page 23, line 18 and page 27, line 21-page 28, line 4 of the present specification;

dependent claim 2 is amended to conform with amended claim 1;

dependent claim 4 is amended to recite the omitted wherein clause of amended claim 1, to conform with amended claim 1 and to dependent directly from claim 1;

independent claim 5 is amended similar to amended claim 1;

new dependent claim 6 is added to recite the omitted wherein clause of amended claim 5; and

dependent claim 3 is unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application, nor any new issues to the prosecution of the present application.

Regarding 35 USC 102(b) Rejections

It is respectfully submitted that the subject matter of amended independent claim 1 is not disclosed by previously cited Kobayashi, for at least the following reasons.

As discussed above, independent claim 1 has been amended to recite the spring assembly 164 of the present invention which is configured to only a maximum force to be applied to the deformable ink membrane 26 upon plunging of the top cover molding 162 relative to the base molding 170. In this way, the dispensing of ink is controlled to a level which ensures efficient and effective refilling (see page 22, line 10-page 23, line 18 and page 27, line 21-page 28, line 4 of the present specification).

On the other hand, Kobayashi does not disclose, or suggest, such a spring for constraining the force applied to dispense ink from the ink cartridge 1, this is because the ink cartridge of Kobayashi uses ink-containing foam in the foam chamber 14 (see paragraph [0100] of Kobayashi).

Thus, the subject matter of amended independent claims 1 and 5, and claims 2-4 and 6 dependent therefrom, is not disclosed, or suggested, by Kobayashi.

Regarding 35 USC 103(a) Rejections

It is respectfully submitted that the subject matter of amended independent claims 1 and 5, and dependent claims 2-4, is not taught or suggested by previously cited Hetzer in

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view of one or more of previously cited Yuen and Mochizuki, for at least the following reasons.

In Hetzer, the compression spring 6 is arranged to bias the tube 21 to the brace 112 in order to irreversibly lock the tube and brace together (see col. 4, lines 55-61 of Hetzer). The compression spring is not used in the dispensing of the ink from the ink container 1, let alone to control the force applied during that dispensing, because the dispensing of ink in Hetzer is performed by capillary action through the hollow needle 4 (see col. 3, lines 42-59 of Hetzer).

Further, in Yuen the threaded engagement of the first and second members 12 and 14 is used to apply force to the ink pouch for dispensing the ink (see col. 3, line 2-col. 4, line 67 of Yuen), and in Mochizuki ink is drawn from the ink bag 1 via the ink supplying needle 15 by pressure effects (see col. 4, lines 11-46 and col. 6, lines 47-58 of Mochizuki).

Thus, the subject matter of amended independent claims 1 and 5, and claims 2-4 and 6 dependent therefrom, is not taught or suggested by Hetzer, Yuen and Mochizuki either taken alone or in combination with one another.

It is respectfully submitted that the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



Kia Silverbrook

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762